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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:
Per Johan Lundberget al	:
Serial No.: 10/693,317	: SUSPENSION OF ACTION
Filed: October 23, 2003	:
Attorney Docket No.: 1103326-0203	:

This is in response to the petition under 37 CFR 1.103, filed April 27, 2006, to suspend prosecution of the above identified application for six months.

The petition fee of \$200.00 has been paid.

Applicants seek suspension of prosecution in this application for a period of six months in view of a pending appeal of a court decision in a great-great-grandparent case.

BACKGROUND

A non-Final rejection issued in this application on November 2, 2005, setting a three month shortened statutory period for reply. Applicants replied on April 27, 2006, including a three month request and fee for a three month extension of time, with this combined reply to the Office action and petition for suspension.

DISCUSSION

Initially it is to be noted that a petition must be presented as a separate paper (37 CFR 1.181) and not as part of the response to the Office action. However, applicants' combined response will be treated as both a response to the Office action and a petition. It is noted that the examiner mailed a Notice of Non-Compliant amendment to applicants on July 7, 2006. Thus there is an outstanding Office action to which applicants must reply.

37 CFR 1.103. Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in §1.17(I). Action will not be suspended when a reply by applicant to an Office action is required.

M.P.E.P. 709 relates to suspension of action in an application. 37 CFR 1.103 permits the Office to suspend action upon petition by applicants for **good and sufficient cause** (emphasis added).

Applicants state that the decision in the Appeal and Cross-Appeal in the litigation of the great-great-grandparent application, PN 6,013,281, and holding of invalidity thereof is pertinent to the prosecution of this application, but give no details or reasoning as to why it is pertinent. Merely stating that a pending court decision is pertinent to the prosecution of an application without identifying the issues or reasons why such decision would impact the prosecution of an application does not provide a **showing** of good and sufficient cause. In addition there is now an outstanding Office action which prevents suspension of action in this application.

DECISION

The petition to suspend action is DENIED.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number 571-273-8300.

A handwritten signature in black ink, appearing to read 'Bruce M. Kisliuk', with a stylized flourish at the end.

Bruce M. Kisliuk
Director, Technology Center 1600